

### **Remarks**

The final Office Action dated March 3, 2010 has been carefully considered. Claims 1 and 18 have been amended without addition of new matter. Claims 26 and 27 have been cancelled without prejudice to any Applicants' rights. Reconsideration of the current claims in view of the following remarks is respectfully requested.

### ***Interview Summary***

Attorney for Applicants thanks Examiner Dollinger for the courtesies extended during the telephonic interview conducted on February 25, 2010. Also, Attorney for Applicants generally agrees with the Interview Summary dated 3/8/2010 prepared by Examiner Gulakowski, Supervisory Patent Examiner, in connection with that personal interview.

### ***Claim Rejections – 35 USC § 102***

In Paragraph 1 of the Office Action, claims 1-6, 8-11, 18-20, 23, 24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 7,173,086 B2).

In Paragraph 6 of the Office Action, claims 1-6, 8-11, 18-20, 23, 24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 7,173,086 B2) with further evidence provided by Chem Crete.

Withdrawal of these two rejections is requested in view of the attached Verification of Translation (Appendix A) of priority document DE 103 34 286.9. The Verification of Translation perfects the current application's benefit claim, thereby eliminating Smith et al as prior art. Applicants respectfully request the examiner withdraw the rejections of claims 1-6, 8-11, 18-20, 23, 24, and 28.

***Claim Rejections – 35 USC § 103***

In Paragraph 11, of the Office Action, claims 1-6, 8-11, 18-20, 23, 24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukaida et al. (EP 0 612 533 or US 5,672,419) in view of Sun et al. (US 6,124,391). Applicants have amended claims 1 and 18, on which the other claims are dependent, and have cancelled claims 26 and 27 without prejudice to the subject matter found therein. In light of these amendments, Mukaida et al, either alone or in combination with Sun et al., does not suggest, teach or disclose the elements of the current invention. Applicants respectfully request the examiner withdraw the rejection of claims 1-6, 8-11, 18-20, 23, 24, and 28.

***Double Patenting***

In Paragraph 21 of the Office Action, claims 1-6, 8-11, 18-20, 23, 24, 26, and 27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11, and 24 of U.S. Patent No. 7,173,086 B2. Applicants request this rejection be held in abeyance until allowable subject matter is identified.

***Conclusion***

In light of the remarks and amendments to the claims presented herein, Applicants submit that the present application is in condition for allowance, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicants' counsel at the number provided below.

Respectfully submitted,

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Lorna D. Selvaggio

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/Lorna D. Selvaggio/

Signature

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May 3, 2010

Date of Signature

# APPENDIX A

Verification of Translation  
for DE 103 34 286.9

VERIFICATION OF TRANSLATION

I, Ralf Franke - patent attorney  
of Evonik Stockhausen GmbH

declare as follows:

1. That I am well acquainted with both the English and German languages, and
2. that the attached document is a true and correct English translation controlled by me to the best of my knowledge and belief of:

German priority application DE 103 34 286.9

03.05.2010  
Date

R. Franke  
Signature